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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,324

06/30/2005

Pierre Simon

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466 7590 10/29/2007
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EXAMINER

DEFRANK, JOSEPH S

ART UNIT

PAPER NUMBER

4175

MAIL DATE

DELIVERY MODE

10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,324

Applicant(s)

SIMON ET AL.

Examiner

Joseph De Frank

Art Unit

4175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9 and 17-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6-30-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Examiner Comments

1. Examiner notes that applicant has elected species 1 pertaining to figures 1 and 1a. The requested examined claims are 1-5, 8, 9, 11, and 17-19. However, examiner notes that claim 11 pertains to species 3 which is characterized by a circular displacement of the guide element. The claims examined in this office action are claims 1-5, 8, 9, and 17-19.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 8, 9, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakabayashi et al. (US Patent 6,003,420) in view of Steidinger et al. (US Patent 6,207,001).

Wakabayashi et al. discloses an apparatus for shaping a web (12) made of a flexible material, comprising at least one feed roll (14) adapted to deliver the web (12) continuously in accordance with a law of given displacement and speed, a regulating module (58) provided with take-off means (65) adapted to control the displacement and the speed of the web (12) upstream of the shaping roll (3) and at least one mobile guide element (56) adapted to exert on at least one buffer loop of the web (12), a positive guiding of which the displacement is controlled in accordance with a determined law (as input through the computer). Wakabayashi et al. does not disclose a shaping roll associated with a counterpart roll adapted to shape the web over at least a part of its peripheral length.

Steidinger et al. discloses , a shaping roll (26) associated with a counterpart roll (27) adapted to shape the web over at least a part of its peripheral length, this shaping roll being constituted by a support roll (26 as stated by disclosure column 8 lines 61-53, the roll 26 is magnetic and a die plate is attached to it) on which at least one

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interchangeable shaping element is added, fixed on its outer surface, and which is animated by a movement of rotation in accordance with a law of given displacement and speed. All of the claimed elements were well known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. In this case, replacing the press type cutter (28) or Wakabayashi et al. with the shaping rolls (26 and 27) of Steidinger et al. would have yielded the predictable result still cutting or shaping the web of material (12 of Wakabayashi et al.). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the cutter of Wakabayashi et al. with the cutting rolls of Steidinger et al.

6. With respect to claim 2, the looping mechanism (58) of Wakabayashi et al. is designed to compensate the length output of the web (12) between the various elements of the machine (column 5 lines 56-67). Since the motion of any piece of the cutting machine is a repetitive motion, any part's motion can be described by a displacement equation relative to the various cyclic motions of the other elements of the machine.

7. With respect to claims 3-5, Wakabayashi et al. discloses the roller takeoff means (65) are constituted by the mobile guide element (56), the latter being formed by a rotating roll around which the web (12) winds (shown best in figure 1); the rotating roll (65) animated by a peripheral speed greater than that of the web (12) being disposed between the shaping rolls (26 and 27 of Steidinger et al.) and the guide roll (56).

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8. With respect to claim 8, Wakabayashi et al discloses the motion of the guide element (56) being linear as shown in figure 1.

9. With respect to claim 9, Wakabayashi et al. discloses the apparatus characterized in that the linear displacement of the guide element (56) is obtained by a linear motor comprising primary and secondary poles mobile with respect to each other and means for controlling their relative movements, the guide element (56) being fast with one of these poles. A motor is defined as a device that converts electric energy into mechanical energy. In this sense, please refer to figures 6 and 7 of Wakabayashi et al. Guide element is attached to a device (servo motor 75 and pulley 76 with belt 72) that takes an input electric energy and converts it into a linear motion with one pole (extreme) being at pulley 74 and the other pole being at pulley 73. The belt defines these positions as well. When the guide element 56 is in the fully extended or retracted position, it is located at the one of the poles and is respectively fixed at the portion of the belt that represents this pole. In motion the "pole" of the belt moves and the guide element moves along with it.

10. With respect to claim 17, Wakabayashi et al. discloses a system for controlling the tension of the web (58) disposed between the feed roll (14) and the take off means (65).

11. With respect to claim 18, Wakabayashi et al. discloses the feed roll (14) that is driven. Wakabayashi et al. does not further disclose that the feed roll is servomotor driven. However, the other motorized rolls within the apparatus of Wakabayashi et al. are servo controlled (see figure 10 and drum 60, roller 65, and movable roller 56). No

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details are provided as to how the input portion of the system is controlled. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a servomotor to control the rotation of the feed roll (14) of Wakabayashi et al. in order to control the rotation of the roll based on an input equation provided from the controller (80).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakabayashi et al. (US Patent 6,003,420) in view of Steidinger et al. (US Patent 6,207,001) as applied to claim 1 above, and further in view of Rademacher et al. (US Patent 5,101,551).

As discussed above, the apparatus of Wakabayashi et al. in view of Steidinger et al. substantially discloses the apparatus as applied to claim 1, but fails to disclose means to read a cyclic mark disposed on the web. Rademacher et al. discloses a web-processing machine containing a looping element (8) that also has pair of sensor rollers (10 and 31) that are connected to respective incremental sensors (17 and 28) that feeds an output value to a controller (11). The controller then adjusts the elements to maintain a consistent output. Please refer to the abstract lines 18-27 and disclosure column 4 lines 50-56. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the sensor rollers of Rademacher et al. with the combined web processing apparatus of Wakabayashi et al. and Steidinger et al. in order to provide a consistent output product.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Grob, Moss, Ballestrazzi et al. and De Marco et al. is noted as considered pertinent to the applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph De Frank whose telephone number is (571) 270-3512. The examiner can normally be reached on Monday - Thursday; 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on (571) 272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph De Frank
Examiner
Art Unit 4175

JD
JD
10-15-07


Terrence R. Till
Supervisory Patent Examiner